

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

LUTHER RAYMOND ALSPACH,

Plaintiff,

v.

**MRS. X WILCOX, CASEY SPARTZ,
ANITA BURDICK DENHAM, and
SEQUOIA MENTAL HEALTH
SERVICES, INC.,**

Defendants.

No. 3:14-cv-01493-PK

OPINION AND ORDER

MOSMAN, J.,

On November 19, 2014, Magistrate Judge Papak issued his Findings and Recommendation (“F&R”) [13], recommending that *pro se* Plaintiff, Luther Raymond Alspach’s Complaint [2] should be DISMISSED WITHOUT PREJUDICE. No objections to the Findings and Recommendation were filed.

DISCUSSION

The magistrate judge only makes recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a *de novo* determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

is not required to review, *de novo* or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Papak's recommendation and I ADOPT the F&R [13] as my own opinion.

IT IS SO ORDERED.

DATED this 11th day of December, 2014.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge